



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,086	04/02/2004	Jean Paul Vellotti	03953-P0001B	6087
24126 7590 03/24/2008 ST. ONGE STEWARD JOHNSTON & REENS, LLC 986 BEDFORD STREET STAMFORD, CT 06905-5619				
EXAMINER PLUCINSKI, JAMISUE A				
ART UNIT		PAPER NUMBER		
3629				
MAIL DATE		DELIVERY MODE		
03/24/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/817,086

Applicant(s)

VELLOTTI, JEAN PAUL

Examiner

JAMISUE A. PLUCINSKI

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF 298)
Paper No(s)/Mail Date 20041018
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Gallant (US 2002/0107927).

3. With respect to Claims 1 and 21: Gallant discloses the use of a travel plan emergency alerting system and method (see abstract) comprising:

- a. a central computing system (Paragraph 0024) adapted to receive, from a user, user information (abstract and reference numeral 30 with corresponding detailed description) and trip/alert information (Reference numeral 75 with corresponding detailed description), the trip/alert information comprising at least an expected time of return from a trip (see abstract and reference numeral 110 with corresponding detailed description) and contact information for an emergency contact person (reference numerals 65, 70 and 75 and Figure 2, with corresponding detailed description and Paragraph 0028);
- b. a telephone interface (Paragraph 0013) through which said central computing system is adapted to receive alert deactivation information from the user when the user returns from the trip (abstract, Figure 3 with corresponding detailed description and paragraph 0013);

- c. an alert processing routine executing on said central computing system, said alert processing routine adapted to determine, based at least in part upon whether alert deactivation information has been received, whether the user has returned from the trip, and, based at least in part upon the trip/alert information, whether the expected time of return has passed (see abstract, Figure 2 and reference numeral 227 with corresponding detailed description); and
 - d. said alert processing routine generating and transmitting to the emergency contact person an alert message if the expected time of return has passed and if the user has not returned from the trip (Figure 3 and reference numeral 230 with corresponding detailed description).
4. With respect to Claims 2 and 3: Gallant discloses the central computing system is in communication with a computer network, and wherein said central computing system is adapted to receive the trip/alert information via the computer network such as the Internet (Abstract, Figure 1 and Paragraph 0024).
5. With respect to Claim 4: Gallant discloses the central computing system is adapted to receive the trip/alert information via said telephone interface (Paragraph 0034).
6. With respect to Claim 5 and 7: Gallant discloses the use of a telephony server which can be used if Network is down for entering in tip information (Paragraph 0034).
7. With respect to Claim 6: Gallant discloses the use of the system being capable of receiving modifications to trip information (Paragraph 0029).
8. With respect to Claim 8: Gallant discloses the alert is by e-mail or phone (Paragraph 0026).

9. With respect to Claim 9: Gallant discloses the information is trip information (See Figure 2 with corresponding detailed description).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 10-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallant (US 2002/0107927) in view of Scalisi et al. (US 2007/0232351).
12. With respect to Claim 10: Gallant discloses the use of alerting a contact of the user when a user does not return from a trip on time, however fails to disclose the trip/alert information is a recorded message in the user's own voice. Scalisi discloses the use of a system that communicates with a person in times of an emergency using a recorded message of the user's own voice (see abstract, and paragraph 0014 and 0077). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gallant to include the capability of the alert message being the recorded message in the user's own Voice, as disclosed by Scalisi, in order to deliver a personal message or initiate a communication with a desired person in times of emergencies. (See Scalisi abstract and page 2)
13. With respect to Claims 11 and 22: Gallant discloses the use of a travel plan emergency alerting system and method (see abstract) comprising:

- c. a central computing system (Paragraph 0024) adapted to receive, from a user, user information (abstract and reference numeral 30 with corresponding detailed description) and trip/alert information (Reference numeral 75 with corresponding detailed description), the trip/alert information comprising at least an expected time of return from a trip (see abstract and reference numeral 110 with corresponding detailed description) and contact information for an emergency contact person (reference numerals 65, 70 and 75 and Figure 2, with corresponding detailed description and Paragraph 0028);
 - f. an alert processing routine executing on said central computing system, said alert processing routine adapted to determine, based at least in part upon whether alert deactivation information has been received, whether the user has returned from the trip, and, based at least in part upon the trip/alert information, whether the expected time of return has passed (see abstract, Figure 2 and reference numeral 227 with corresponding detailed description); and
 - g. said alert processing routine generating and transmitting to the emergency contact person an alert message if the expected time of return has passed and if the user has not returned from the trip (Figure 3 and reference numeral 230 with corresponding detailed description).
14. Gallant discloses the use of alerting a contact of the user when a user does not return from a trip on time, however fails to disclose the trip/alert information is a recorded message in the user's own voice. Scalisi discloses the use of a system that communicates with a person in times of an emergency using a recorded message of the user's own voice (see abstract, and paragraph 0014 and 0077). It would have been obvious to one having ordinary skill in the art at

the time the invention was made to modify Gallant to include the capability of the alert message being the recorded message in the user's own Voice, as disclosed by Scalisi, in order to deliver a personal message or initiate a communication with a desired person in times of emergencies.

(See Scalisi abstract and page 2)

15. With respect to Claims 12 and 13: Gallant discloses the central computing system is in communication with a computer network, and wherein said central computing system is adapted to receive the trip/alert information via the computer network such as the Internet (Abstract, Figure 1 and Paragraph 0024).

16. With respect to Claim 14: Gallant discloses the central computing system is adapted to receive the trip/alert information via said telephone interface (Paragraph 0034).

17. With respect to Claim 15 and 17: Gallant discloses the use of a telephony server which can be used if Network is down for entering in trip information (Paragraph 0034).

18. With respect to Claim 16: Gallant discloses the use of the system being capable of receiving modifications to trip information (Paragraph 0029).

19. With respect to Claim 18: Gallant discloses the alert is by e-mail or phone (Paragraph 0026).

20. With respect to Claim 19: Gallant discloses the information is trip information (See Figure 2 with corresponding detailed description).

21. With respect to Claim 20: Gallant discloses the use of a telephone interface (Paragraph 0013) through which said central computing system is adapted to receive alert deactivation information from the user when the user returns from the trip (abstract, Figure 3 with corresponding detailed description and paragraph 0013).

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hunter et al. (US 2007/0275690) discloses the use of an emergency contact notification system, Sumiya et al. (US 2003/0128123) discloses the use of emergency reporting, Wong (US 2004/0152441) discloses the use of a personal safety system, Menard et al. (US 2002/0118796) discloses the use of an emergency response information distribution system, Johnson (7,047,203) discloses the use of personal security tracking, Kane (7,026,928) discloses the use of a portable personal security device, and Goff (Article: Hazardous to Your Health) discloses the use of keeping emergency contact numbers while travelling.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMISUE A. PLUCINSKI whose telephone number is (571)272-6811. The examiner can normally be reached on M-Th (5:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jamisue A. Plucinski/
Primary Examiner, Art Unit 3629